

1 PRICE AND ASSOCIATES
PAMELA Y. PRICE (SBN 107713)
2 1611 Telegraph Avenue, Suite 1450
Oakland CA 94612
3 Telephone: 510.452.0292
Telefax: 510.452.5625
4 E-Mail: pypesq@aol.com
LAW OFFICES OF JOHN L. BURRIS
5 JOHN L. BURRIS (SBN 069888)
CHARLES STEPHEN RALSTON (SBN 034111)

6 Attorneys for Plaintiff DEANNA L. FREITAG

7 EDMUND G. BROWN JR.
Attorney General of the State of California
JACOB A. APPELSMITH
8 Senior Assistant Attorney General
VINCENT J. SCALLY, JR. (SBN 058223)
9 Supervising Deputy Attorney General
KATHRYN ALLEN (SBN 137685)
10 Deputy Attorney General
LYN HARLAN (SBN 171471)
11 Deputy Attorney General
RICHARD L. MANFORD (SBN 051092)
12 Deputy Attorney General
13 1300 I Street, Suite 125, Sacramento CA 95814 (delivery)
14 P.O. Box 944255, Sacramento CA 94244-2550 (mail)
Telephone: 916.324.5367
15 Telefax: 916.322.4483 or 916.324.5567
E-Mail: dick.manford@doj.ca.gov

16 Attorneys for Defendants CALIFORNIA DEPARTMENT OF CORRECTIONS AND
17 REHABILITATION, ROBERT L. AYERS, JR., AND TERESA A. SCHWARTZ

18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO DIVISION)

20 DEANNA L. FREITAG,)	No. C00-2278-TEH
)	
21 Plaintiff,)	STIPULATION, AGREEMENT, AND
)	REQUEST FOR ORDER AWARDING
22 vs.)	INTERIM ATTORNEYS' FEES AND
)	COSTS ATTRIBUTABLE TO PLAINTIFF'S
23 CALIFORNIA DEPARTMENT OF)	CLAIMS UNDER TITLE VII
CORRECTIONS, et al.,)	
)	
24 Defendants.)	
25)	

26 Come now Plaintiff DEANNA FREITAG and Defendants CALIFORNIA
27 DEPARTMENT OF CORRECTIONS AND REHABILITATION, ROBERT L. AYERS,

28 ///

1 JR., AND TERESA A. SCHWARTZ who, by and through their respective counsel of record,
2 stipulate, agree, and request, as follows:

3 RECITALS

4 1. On March 02, 2007, plaintiff filed a motion for an award of interim
5 attorneys' fees and costs. The defendants filed an opposition thereto on March 26, and
6 plaintiff filed her reply on April 02.

7 2. A hearing was held on the motion on April 16. The court granted the
8 motion, but found that plaintiff's papers did not sufficiently support the amount of her
9 request. The court therefore ordered the parties to meet and confer with a view toward
10 reaching agreement as to an amount of interim attorneys' fees attributable to plaintiff's Title
11 VII verdicts. The court also set a briefing schedule to be met in the event that the parties
12 could not so agree.

13 3. The parties met and conferred by conference calls on April 18 and 19, 2007,
14 and have reached agreement in the premises for payment. The parties understand, however,
15 that the defendants cannot guarantee payment by a date certain because (a) they must have
16 in hand a signed court order directing such payment because the funds necessary to make
17 payment are locked in a Special Deposit Fund, and (a) such payment involves another state
18 agency, namely the State Controller's Office which actually issues the check.

19 Now, and therefore, the parties stipulate, agree, and request, as follows:

20 STIPULATION, AGREEMENT, AND REQUEST

21 A. The defendants will pay to Price and Associates as trustee for Deanna
22 Freitag the sum of \$500,000.00 as and for interim attorneys' fees attributable to plaintiff's
23 Title VII verdicts through the fee award order of October 17, 2003, and plaintiff agrees to
24 accept such payment for such purpose, without prejudice to her claim for an amount of further
25 fees as awarded by the court on October 17, 2003, on November 19, 2003, and fees that have
26 been incurred since September 30, 2003 and which may be awarded by the court upon entry
27 of final judgment or as agreed to by the parties.

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1 B. The defendants will pay to Price and Associates the sum of \$93,500.00,
2 which represents 100% of statutory costs per Bill of Costs filed May 19, 2003, and non-
3 statutory costs awarded by order of October 17, 2003;

4 C. The payments to be made hereunder are and will be creditable toward any
5 and all future liabilities and obligations that the defendants, or any of them, may have to
6 plaintiff in this action.

7 D. Upon receipt of an endorsed copy of the court's below order, the defendants
8 and their counsel will do everything within their power and ability to ensure that the required
9 payments are processed and issued as expeditiously as possible, giving the same the highest
10 priority.

11 E. The parties jointly request that the court sign the below order, and vacate
12 the briefing schedule relative to the subject motion.

13 Dated: April ___, 2007

14 PRICE AND ASSOCIATES
15 PAMELA Y. PRICE
16 LAW OFFICES OF JOHN L. BURRIS
17 JOHN L. BURRIS
18 CHARLES STEPHEN RALSTON

19 by: /s/ Pamela Y. Price
20 PAMELA Y. PRICE

21 Attorneys for Plaintiff DEANNA L. FREITAG

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28 ///

1 Dated: April 23, 2007

2 EDMUND G. BROWN JR.
Attorney General of the State of California
3 JACOB A. APPELSMITH
Senior Assistant Attorney General
4 VINCENT J. SCALLY, JR.
Supervising Deputy Attorney General
5 KATHRYN ALLEN
Deputy Attorney General
6 LYN HARLAN
Deputy Attorney General
7

8
9 by: /s/ Kathryn Allen for

10 RICHARD L. MANFORD
Deputy Attorney General

11 Attorneys for Defendants CALIFORNIA
12 DEPARTMENT OF CORRECTIONS AND
13 REHABILITATION, ROBERT L. AYERS, JR.,
and TERESA SCHWARTZ

14 ORDER

15 The court having read and considered the foregoing Stipulation, and GOOD
16 CAUSE APPEARING THEREFOR,

17 IT IS HEREBY ORDERED that the defendants shall make the payments as
18 above described as expeditiously as possible, assigning their highest priority to the same, and
19 that the briefing schedule previously established relative to the subject motion shall be, and
20 hereby is, VACATED.

21 DATED: April __, 2007

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25 _____
THELTON E. HENDERSON

26 United States District Judge
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